

House Study Bill 102 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ALONS)

A BILL FOR

1 An Act relating to county commissions of veteran affairs.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35B.4, Code 2013, is amended to read as
2 follows:

3 **35B.4 Appointment — vacancies.**

4 1. Members of the commission of veteran affairs shall
5 be appointed by the board of supervisors, as recommended by
6 the current commission members and the executive director
7 or administrator, to staggered three-year terms at the
8 regular meeting in June. However, a member shall serve until
9 a successor has been appointed and qualifies. The board
10 may remove an appointee at any time for neglect of duty or
11 maladministration. A vacancy on the commission shall be filled
12 for the unexpired portion of the regular term in the same
13 manner as regular appointments are made.

14 2. If the board of supervisors increases the commission
15 of veteran affairs membership to five members, the initial
16 terms of the two new members shall be two and three years
17 respectively. However, the new members shall serve until their
18 successors are appointed and qualify.

19 Sec. 2. Section 35B.6, subsection 1, paragraphs a and c,
20 Code 2013, are amended to read as follows:

21 *a.* The members of the commission shall qualify by taking the
22 usual oath of office, ~~and give bond in the sum of five hundred~~
23 ~~dollars each, conditioned for the faithful discharge of their~~
24 ~~duties with sureties to be approved by the county auditor.~~ The
25 commission shall organize by the selection of one of their
26 members as chairperson and one as secretary. The commission,
27 subject to the approval of the board of supervisors, shall
28 employ an executive director or administrator and shall have
29 the power to employ other necessary employees when needed,
30 including administrative or clerical assistants, but no member
31 of the commission shall be so employed. ~~The compensation of~~
32 ~~such employees shall be fixed by the board of supervisors.~~
33 The state department of veterans affairs shall recognize the
34 executive director or administrator as a county veterans
35 service officer of a local veterans' service organization

1 recognized pursuant to 38 C.F.R. § 14.628(c) for the purposes
2 of assisting veterans and their dependents in obtaining
3 federal benefits. The commission shall recommend the annual
4 compensation of the executive director or administrator to the
5 board of supervisors. The board of supervisors shall consider
6 the recommendation and shall determine and approve the annual
7 compensation of the executive director or administrator. The
8 executive director must possess the same qualifications as
9 provided in section 35B.3 for commission members. However,
10 this qualification requirement shall not apply to a person
11 employed as an executive director prior to July 1, 1989.

12 c. Upon the employment of an executive director or
13 administrator, the executive director or administrator shall
14 complete a course of certification training provided by the
15 department of veterans affairs pursuant to section 35A.5.
16 If an executive director or administrator fails to obtain
17 certification within one year of being employed, the executive
18 director or administrator shall be removed from office. A
19 ~~commissioner or other commission employee may also complete~~
20 ~~the course of certification training.~~ The department shall
21 issue the executive director, or administrator, ~~commissioner,~~
22 ~~or employee~~ a certificate of training after completion of the
23 certification training course. To maintain certification, the
24 executive director, or administrator, ~~commissioner, or employee~~
25 shall satisfy the continuing education requirements established
26 by the national association of county ~~veteran~~ veterans service
27 officers. Failure of an executive director or administrator
28 to maintain certification shall be cause for removal from
29 office. The expenses of training the executive director or
30 administrator shall be paid from the appropriation authorized
31 in section 35B.14.

32 Sec. 3. Section 35B.6, subsection 1, paragraph d, Code 2013,
33 is amended by adding the following new subparagraph:

34 NEW SUBPARAGRAPH. (3) Complete and submit all forms
35 required for federal, state, and county benefits.

1 Sec. 4. Section 35B.6, subsection 2, Code 2013, is amended
2 to read as follows:

3 2. a. Two or more boards of supervisors may agree,
4 pursuant to chapter 28E, to share the services of an executive
5 director or administrator. The agreement shall provide for the
6 establishment of a commission of veteran affairs office in each
7 of the counties participating in the agreement.

8 b. It shall be unlawful for any county board of supervisors
9 or any county commission of veteran affairs to place the
10 administration of the duties of the county commission of
11 veteran affairs under any other agency of any county, or to
12 publish the names of the veterans or their families who receive
13 benefits under the provisions of this chapter.

14 Sec. 5. Section 35B.6, subsection 3, Code 2013, is amended
15 by striking the subsection.

16 Sec. 6. Section 35B.6, subsection 4, paragraph a, Code 2013,
17 is amended to read as follows:

18 a. Each county commission of veteran affairs shall maintain
19 an office in a public building owned, operated, or leased by
20 the county.

21 Sec. 7. Section 35B.7, Code 2013, is amended to read as
22 follows:

23 **35B.7 Meetings — report — budget.**

24 The commission shall meet monthly and at other times as
25 necessary. At the monthly meeting it shall determine who are
26 entitled to county benefits and the probable amount required to
27 be expended. The commission shall meet annually to prepare an
28 estimated budget for all expenditures to be made in the next
29 fiscal year and certify the budget to the board of supervisors.
30 The board may approve or reduce the budget for valid reasons
31 shown and entered of record and the board's decision is final.

32 Sec. 8. Section 35B.10, Code 2013, is amended to read as
33 follows:

34 **35B.10 Disbursements — inspection of records.**

35 1. All claims certified by the commission shall be reviewed

1 ~~by the board of supervisors and the county auditor shall~~
2 ~~issue warrants in payment of the claims.~~ All applications,
3 investigation reports, and case records are privileged
4 communications and ~~shall be held~~ confidential, subject to use
5 and inspection only by persons authorized by law in connection
6 with their official duties relating to financial audits and the
7 administration of this chapter or as authorized by order of a
8 district court. A person may sign a release to authorize the
9 examination of that person's applications, reports, or records.

10 2. ~~However, the~~ The county commission of veteran affairs
11 shall prepare and file in the office of the county auditor on
12 or before the thirtieth day of each January, April, July, and
13 October a report showing the case numbers of all recipients
14 receiving assistance under this chapter, together with the
15 amount paid to each during the preceding quarter. Each report
16 so filed shall be securely fixed in a record book to be used
17 only for such reports made under this chapter.

18 ~~The record book shall be and the same is hereby declared~~
19 ~~to be a public record, open to public inspection at all times~~
20 ~~during the regular office hours of the county auditor. Each~~
21 ~~person who desires to examine said records, other than in~~
22 ~~pursuance of official duties as hereinbefore provided, shall~~
23 ~~sign a written request to examine the same, which shall contain~~
24 ~~an agreement on the part of the signer that the signer will~~
25 ~~not utilize any information gained therefrom for commercial or~~
26 ~~political purposes.~~

27 3. It shall be unlawful for any person, body, association,
28 firm, corporation or any other agency to solicit, disclose,
29 receive, make use of or to authorize, knowingly permit,
30 participate in or acquiesce in the use of any lists, names or
31 other information obtained from the reports above provided for,
32 for commercial or political purposes, and a violation of this
33 provision shall constitute a serious misdemeanor.

34 Sec. 9. Section 35B.14, Code 2013, is amended by adding the
35 following new subsections:

1 NEW SUBSECTION. 3. The commission is responsible for
2 the interment in a suitable cemetery of the body of any
3 veteran, as defined in section 35.1, or the spouse, surviving
4 spouse, or child of the person, if the person has died without
5 leaving sufficient means to defray the funeral expenses. The
6 commission may pay the expenses in a sum not exceeding an
7 amount established by the board of supervisors.

8 NEW SUBSECTION. 4. Burial expenses shall be paid by the
9 county in which the person died. If the person is a resident
10 of a different county at the time of death, the county of
11 residence shall reimburse the county where the person died for
12 the cost of burial. In either case, the board of supervisors
13 of the respective counties shall audit and pay the account from
14 the funds provided for in this chapter in the manner as other
15 claims are audited and paid.

16 Sec. 10. Section 35B.16, Code 2013, is amended to read as
17 follows:

18 **35B.16 Markers for graves.**

19 The county commission of veteran affairs may furnish a
20 suitable and appropriate ~~metal~~ marker for the grave of each
21 veteran, as defined in section 35.1, who is buried within
22 the limits of the county. The marker shall be placed at the
23 individual's grave to permanently mark and designate the grave
24 for memorial purposes. The expenses shall be paid from any
25 funds raised as provided in this chapter.

26 Sec. 11. Section 35B.17, Code 2013, is amended to read as
27 follows:

28 **35B.17 Maintenance of graves.**

29 1. The county boards of supervisors shall each year
30 appropriate and pay to the owners of, or to the public board or
31 officers having control of cemeteries within the state in which
32 any such deceased service person is buried, a sum sufficient
33 to pay for the care and maintenance of the lots on which they
34 are buried in all cases in which provision for such care is
35 not otherwise made, or may conclude their responsibility by

1 paying a mutually agreed to fee for perpetual care when the
2 cemetery authority has established a perpetual care fund for
3 the cemetery, to be paid either as a lump sum, or in not to
4 exceed five installments in a manner agreed to by the parties.

5 2. Payment under subsection 1 shall be made at the rate
6 charged for like care and maintenance of other lots of
7 similar size in the same cemetery, upon the affidavit of the
8 superintendent or other person in charge of such cemetery, that
9 the same has not been otherwise paid or provided for.

10 Sec. 12. Section 35B.19, Code 2013, is amended to read as
11 follows:

12 **35B.19 Burial records.**

13 ~~The county commission of veteran affairs~~ executive director
14 or administrator shall be charged with securing the information
15 requested by the department of veterans affairs of every person
16 having a military service record and buried in ~~that~~ the county.
17 Such information shall be secured from the undertaker in charge
18 of the burial or cremation and shall be transmitted by the
19 undertaker to the ~~commission of~~ county veteran affairs office
20 of the county where burial or disposition of cremated remains
21 is made. This information shall be recorded alphabetically and
22 by description of location in the cemetery where the veteran is
23 buried or the place of disposition of the cremated remains of
24 the veteran. This recording shall conform to the directives of
25 the department of veterans affairs and shall be kept in a book
26 by the ~~county commission~~ executive director or administrator.

27 Sec. 13. Section 64.11, Code 2013, is amended to read as
28 follows:

29 **64.11 Expense of bonds paid by county.**

30 If a county treasurer, county attorney, recorder, auditor,
31 sheriff, medical examiner, ~~member of the veterans affairs~~
32 ~~commission~~, member of the board of supervisors, engineer,
33 steward, or matron elects to furnish a bond with an association
34 or incorporation as surety as provided in this chapter, the
35 reasonable cost of the bond shall be paid by the county where

1 the bond is filed.

2 Sec. 14. Section 331.381, subsection 6, Code 2013, is
3 amended to read as follows:

4 6. Audit and pay the burial expense for indigent veterans,
5 as provided in section ~~35B.15~~ 35B.14, subsection 4.

6 Sec. 15. Section 331.502, subsection 13, Code 2013, is
7 amended by striking the subsection.

8 Sec. 16. Section 331.502, subsection 14, Code 2013, is
9 amended to read as follows:

10 14. ~~Issue warrants and maintain~~ Maintain a book containing
11 a record of persons receiving veteran assistance as provided
12 in section 35B.10.

13 Sec. 17. REPEAL. Sections 35B.8, 35B.9, 35B.12, 35B.13,
14 35B.15, and 35B.18, Code 2013, are repealed.

15 EXPLANATION

16 This bill relates to the duties and responsibilities of the
17 county commissions of veteran affairs.

18 The bill requires that the members of a county commission of
19 veteran affairs be appointed by the board of supervisors upon
20 the recommendation of the current members of the commission
21 and the executive director or administrator. The bill removes
22 a requirement that members of the commission give a bond of
23 \$500 and makes conforming changes to Code sections 64.11 and
24 331.502.

25 The bill requires that the state department of veterans
26 affairs shall recognize the executive director or administrator
27 as a county veterans service officer of a local veterans'
28 service organization recognized by the federal secretary of
29 veterans affairs for purposes of assisting veterans and their
30 dependents in obtaining federal benefits. The bill requires
31 that the annual compensation of an executive director or
32 administrator be recommended by the county commission to the
33 county board of supervisors which shall determine and approve
34 the compensation. Current law requires that the county board
35 of supervisors fix the compensation for the executive director

1 or administrator and other necessary employees.

2 The bill strikes language allowing a county commissioner
3 and certain commission employees to complete a course of
4 certification training provided by the department of veterans
5 affairs.

6 The bill requires that the duties of the executive director,
7 administrator, and employees shall include the submission of
8 all forms required for federal, state, and county benefits.

9 The bill also removes language requiring a commission to
10 appoint a deputy county auditor as an administrative assistant
11 to the commission. The bill requires that a commission office
12 be located in a public building. The bill also specifies that
13 the commission shall only need to determine eligibility of
14 individuals for county benefits at monthly meetings of the
15 commission and removes requirements that the commission submit
16 certain information to the board of supervisors.

17 The bill removes certain disbursement, recording, accounting
18 system, and filing requirements and makes certain conforming
19 amendments to Code section 331.502. The bill provides that
20 certain applications, reports, and records shall be subject
21 to use or inspection as authorized by order of a district
22 court. The bill permits the examination of an individual's
23 applications, reports, and records only upon the individual's
24 authorization.

25 The bill also makes certain changes to provisions related to
26 the provision of grave markers for veterans and the filing and
27 maintenance of certain burial records.

28 The bill repeals Code section 35B.12, relating to
29 confidentiality of benefit information, but the substance
30 of the Code section is transferred to Code section 35B.6,
31 subsection 2.

32 The bill repeals Code section 35B.13, relating to burial
33 expenses, but the substance of the Code section is transferred
34 to Code section 35B.14, subsection 3.

35 The bill repeals Code section 35B.15, relating to audit

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1 and payment of burial expenses, but the substance of the Code
2 section is transferred to Code section 35B.14, subsection 4.

3 The bill repeals Code section 35B.18, relating to care
4 and maintenance of gravesites, but the substance of the Code
5 section is transferred to Code section 35B.17, subsection 2.